

IC 15-5-12

Chapter 12. Liability for Dog Bites

IC 15-5-12-1

Dog bite liability

Sec. 1. If a dog, without provocation, bites any person who is peaceably conducting himself in any place where he may be required to go for the purpose of discharging any duty imposed upon him by the laws of this state or by the laws or postal regulations of the United States of America, the owner of such dog may be held liable for any damages suffered by the person bitten, regardless of the former viciousness of such dog or the owner's knowledge of such viciousness.

(Formerly: Acts 1951, c.37, s.1.)

IC 15-5-12-2

"Owner" defined

Sec. 2. As used in this chapter, "owner" means the owner of a dog. The term includes a possessor, keeper, or harbinger of a dog.

As added by P.L.176-1993, SEC.1.

IC 15-5-12-3

Dog bite liability; criminal

Sec. 3. (a) An owner of a dog commits a Class C misdemeanor if the owner recklessly, knowingly, or intentionally fails to take reasonable steps to restrain the dog and:

- (1) the dog enters property other than the property of the dog's owner; and
- (2) as the result of the failure to restrain the dog, the dog bites or attacks another person resulting in unprovoked bodily injury to the other person;

except as provided in subsection (b).

(b) The offense under subsection (a) is:

- (1) a Class B misdemeanor if the person has been convicted of one (1) previous unrelated violation of this section;
- (2) a Class A misdemeanor if:
 - (A) the person has been convicted of more than one (1) previous unrelated violation of this section; or
 - (B) the violation results in serious bodily injury to a person;
- (3) a Class D felony if the owner recklessly violates this section and the violation results in the death of a person; and
- (4) a Class C felony if the owner intentionally or knowingly violates this section and the violation results in the death of a person.

As added by P.L.176-1993, SEC.2.

IC 15-5-12-4

Dog bite liability; exemptions

Sec. 4. An owner of a dog is exempt under section 3 of this chapter if the dog commits an act described in section 3 of this

chapter during the period that the dog is owned by:

- (1) the United States;
- (2) an agency of the United States; or
- (3) a governmental entity (as defined in IC 34-6-2-49);

and the dog is engaged in assisting the owner or the owner's agent in the performance of law enforcement or military duties.

As added by P.L.176-1993, SEC.3. Amended by P.L.2-1995, SEC.70; P.L.1-1998, SEC.115.

IC 15-5-12-5

Impoundment of animals; probable cause

Sec. 5. If a law enforcement officer or any other person having authority to impound animals has probable cause to believe that there has been a violation of section 3 of this chapter, IC 35-46-3-6 applies.

As added by P.L.176-1993, SEC.4.

IC 15-5-12-6

Other powers not limited

Sec. 6. This chapter does not limit the power of an agency of the state or a political subdivision to adopt a rule or an ordinance that does not conflict with this chapter.

As added by P.L.176-1993, SEC.5.